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JUN 02 2005

OFFICE OF PETITIONS

In re Application of
John A. Lopes
Application No. 10/657,902
Filed: September 9, 2003
Attorney Docket No.: LOP-100-A-1

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: **DECISION ON PETITION**
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This is a decision on the petition under 37 CFR 1.137(a)¹ filed March 18, 2005, to revive the above-identified application. Per the telephone conversation of June 1, 2005, between the undersigned and Arnold Weintraub, Attorney of Record, this petition is treated under 37 CFR 1.137(b)².

The petition is **GRANTED**.

This application became abandoned on December 9, 2004, for failure to pay the issue

¹ A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(l);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

²Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

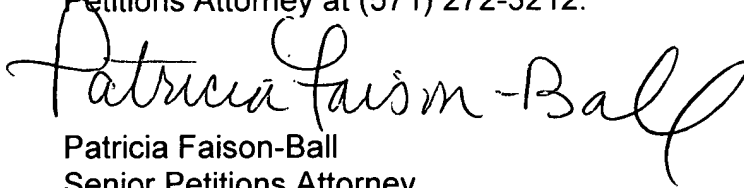
(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

fee in response to the Notice of Allowance mailed September 8, 2004 and which set a three (3) month period for reply. Accordingly, a Notice of Abandonment was mailed January 31, 2005.

The issue fee (\$700), petition fee(\$750) and publication fee(\$300), in accordance with 37 CFR 1.18, have been applied to the finance records for the above-identified application. Accordingly, if petitioner desires to have the information normally found thereon printed on the patent, an Issue Fee Transmittal Form (PTOL-85B) should be completed and returned to the Publishing Division within ONE (1) MONTH from the mail date of this decision.

All other requirements of 37 CFR 1.137(b) having now been met, this application file is being forwarded to the Publishing Division to be processed into a patent.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P" and a long, sweeping underline.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions